

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS  
EASTERN DIVISION

2004 DEC -2 P 2:18

C.A. NO.: 04-10387-MEL

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

ARTHUR BERRIMAN, )  
Plaintiff, )  
 )  
v. )  
 )  
MCL ASSOCIATES, INC., )  
Defendant. )  
 )

**PLAINTIFF'S MOTION TO AMEND COMPLAINT AND DEMAND FOR JURY TRIAL**

Plaintiff, Arthur Berriman ("Plaintiff"), moves this Honorable Court, pursuant to Rule 15 of the Federal Rules of Civil Procedure, to amend the Plaintiff's Complaint and Demand for Jury Trial ("Complaint"). Specifically, Plaintiff moves this Honorable Court to amend the to include Count IV, a claim alleging a violation of M.G.L. ch. 149, sec. 148.

As grounds therefore, Plaintiff states as follows:

1. No party will be unduly prejudiced by the allowance of the Plaintiff's motion.
2. The allowance of the Plaintiff's motion is in the interests of justice.
3. The amendment conforms with the evidence.

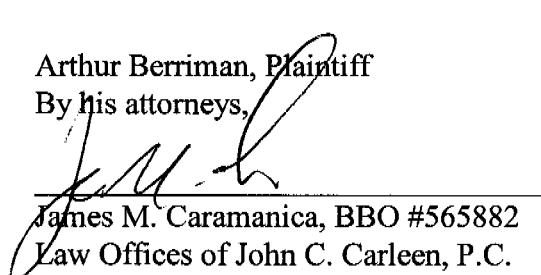
The proposed First Amended Complaint and Demand for Jury Trial is filed herewith.

A memorandum in support of this motion is filed herewith.

**REQUEST FOR ORAL ARGUMENT**

Plaintiff requests oral argument on this motion.

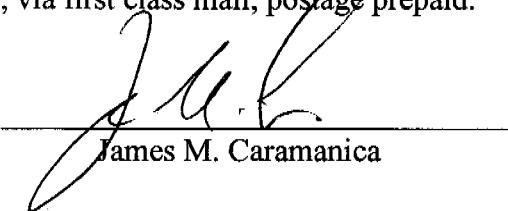
Arthur Berriman, Plaintiff  
By his attorneys,

  
James M. Caramanica, BBO #565882  
Law Offices of John C. Carleen, P.C.  
92 Montvale Avenue, Suite 4170  
Stoneham, MA 02180  
(781) 438-4600 ext. 202

Dated: November 18, 2004

**CERTIFICATE OF SERVICE**

I, James M. Caramanica, certify that on December 1, 2004, a true copy of the foregoing was served upon Defendant's counsel of record, Rosemary Traini, Esq., Van Dam & Traini, LLP, 220 Boylston Street, Chestnut Hill, MA 02467-2090, via first class mail, postage prepaid.



James M. Caramanica